

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 4:04-cv-40249-FDS

REGINA ANKRAH AND ISAAC
OWUSU-AFRIYIE, AS CO-
EXECUTORS OF THE ESTATE OF
ANGELINA OWUSU-AFRIYIE,
Plaintiffs

v.

THE UNITED STATES OF AMERICA,
KENNETH K. GERWECK, M.D., AND
SANDRA L. SALERNO, R.N.
Defendant

**DEFENDANT, KENNETH K. GERWECK, M.D.'S MOTION FOR SUMMARY
JUDGMENT**

NOW comes the Defendant, Kenneth K. Gerweck, in the above-entitled matter and moves this Honorable Court for Summary Judgment pursuant to Fed. R. Civ. P. 56(c). In support of this motion, the Defendant states that there are no genuine issues of material fact in dispute and he is entitled to judgment as matter of law. Specifically, the Defendant is a public employee and is therefore immune from liability in tort for acts or omissions within the scope of that his employment. M.G.L. c. 258 § 2. In further support thereof, the Defendant, Kenneth K. Gerweck, refers this Court to the Memorandum of Law accompanying this motion which is incorporated by this reference.

WHEREFORE, the Defendant, Kenneth K. Gerweck, hereby requests that this Honorable Court enter Summary Judgment on his behalf.

REQUEST FOR ORAL ARGUMENT

WHEREFORE, the Defendant Kenneth K. Gerweck, respectfully requests a oral argument on this motion pursuant to Rule 7.1(D) of the Local Rules of the United States District Court for the District of Massachusetts.

The Defendant,
KENNETH K. GERWECK

By His Attorneys,
MORRISON MAHONEY LLP

/s/ Dennis R. Anti, Esquire

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Dated:

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on (date).

/s/ Heather G. Beattie
Heather G. Beattie, Esquire BBO#: 643197

